



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 23 2011

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Gilbert Spilman, President  
Aluminum Recovery Technologies, Inc.  
2170 Production Road  
Kendallville, IN 46755

Re: Administrative Order EPA-5-11-113(a)-IN-03

Dear Mr. Spilman:

Enclosed is an executed original of the Administrative Consent Order regarding the above captioned case. If you have any questions about the Order, please contact me at 312-886-6812.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Marable", is written over a large, stylized, handwritten "S" or "3" that extends to the right.

Brent Marable

Chief

Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure: Administrative Consent Order EPA-5-11-113(a)-IN-03

cc: Phil Perry  
Indiana Department of Environmental Management

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	<b>EPA-5-11-113(a)-IN-03</b>
	)	
Aluminum Recovery Technologies, Inc.	)	<b>Proceeding Under Sections 113(a)(3),</b>
Kendallville, Indiana	)	<b>114(a)(1) of the Clean Air Act,</b>
	)	<b>42 U.S.C. §§ 7413(a)(3), 7414(a)(1)</b>

**Administrative Consent Order**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, is issuing this Administrative Order (Order) to Aluminum Recovery Technologies, Inc. (ART) in Kendallville, Indiana, under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (the Act), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

**Statutory and Regulatory Background**

2. Under Section 112 of the Act, 42 U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production, 40 CFR Part 63, Subpart RRR and the General Provisions of the NESHAP, 40 CFR Part 63, Subpart A.

3. The NESHAP Subparts RRR and A apply to the following affected sources, among others, located at a secondary aluminum production facility that is a major source of hazardous air pollutants (HAPs): each new and existing secondary aluminum processing unit.

4. The NESHAP, at 40 CFR § 63.1503, defines "secondary aluminum processing unit" or "SAPU" as follows: an existing SAPU means all existing group 1 furnaces and all existing in-line fluxers within a secondary aluminum production facility. Each existing group 1 furnace or existing in-line fluxer is considered an emission unit within a secondary aluminum processing unit. A new SAPU means any combination of individual group 1 furnaces and in-line

fluxers within a secondary aluminum processing facility which either were constructed or reconstructed after February 11, 1999, or have been permanently redesignated as new emission units pursuant to 40 CFR § 63.1505(k)(6). Each of the group 1 furnaces or in-line fluxers within a new SAPU is considered an emission unit within that secondary aluminum processing unit.

5. The NESHAP, at 40 CFR § 63.1512(d), states that the owner or operator of a group 1 furnace that processes scrap other than clean charge materials with emissions controlled by a lime-injected fabric filter must conduct performance tests to measure emissions of PM and D/F at the outlet of the control device and emissions of HCl at the outlet (for the emission limit) or the inlet and the outlet (for the percent reduction standard).

6. The NESHAP, at 40 CFR § 63.1511(b), requires that the owner or operator of any new affected source for which an initial performance test is required must conduct this initial performance test within 90 days after the date for compliance established by §63.1501(b).

7. The NESHAP, at 40 CFR § 63.1501(b), states that the owner or operator of a new affected source that commences construction or reconstruction after February 11, 1999 must comply with the requirements of 40 CFR Part 63, Subpart RRR by March 24, 2000 or upon startup, whichever is later.

8. The NESHAP, at 40 CFR § 63.7(e), requires that performance tests be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance (i.e., performance based on normal operating conditions) of the affected source.

9. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating the

NESHAP regulations. The Administrator has delegated this authority to the Regional Administrator who has delegated this authority to the Director of the Air and Radiation Division.

10. The Administrator of EPA may require any person who owns or operates an emission source to make reports, sample emissions, and provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Regional Administrator who has delegated this authority to the Director of the Air and Radiation Division.

### **Findings**

11. Aluminum Recovery Technologies, Inc. (ART or the facility) owns and operates a secondary aluminum facility at 2170 Production Road, Kendallville, Indiana.

12. The ART facility is a major source of HAPs as that term is defined in 40 CFR § 63.2.

13. The ART facility is subject to the NESHAP for Secondary Aluminum Production, 40 CFR Part 63, Subpart RRR and the General Provisions of the NESHAP, 40 CFR Part 63, Subpart A.

14. ART owns and operates the following affected sources, among possible others, subject to 40 CFR Part 63, Subparts A and RRR: an existing thermal chip dryer, Chip Dryer #1; and a SAPU consisting of the following new and existing group 1 furnaces: Rotary Furnace #1 (Furnace #1), an existing source; Rotary Furnace #2 (Furnace #2), an existing source; and Reverb Furnace #1 (Furnace #4), a new source.

15. ART owns or operates an "emission source" within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). Therefore, ART is subject to the requirements of Section 114(a)(1).

16. On June 27, 2011, Astbury Environmental Engineering, Inc. wrote to EPA on behalf of ART. This letter will hereinafter be referred to as the June 27, 2011 ART letter. The June 27, 2011, ART letter stated that on April 14, 2011, ART started production at Furnace #4.

17. According to the June 27, 2011 ART letter, initial performance testing of Furnace #4 will not be completed within 90 days of initial production due to problems associated with startup.

### **Compliance Program**

18. No later than September 1, 2011, ART must complete initial performance testing at Furnace #4 as required by 40 CFR Part 63, Subparts A and RRR in accordance with the applicable EPA test methods. The testing must be conducted under conditions representative of maximum hazardous air pollutant (HAP) emissions.

19. ART must notify EPA and the Indiana Department of Environmental Management (IDEM) in writing of its intention to conduct a performance test at least 35 calendar days before the performance test is initially scheduled to begin.

20. At the time that ART notifies EPA and IDEM of the date of performance testing, ART must provide EPA and IDEM with a written site-specific test plan for approval. The site-specific test plan must include the elements listed in 40 CFR § 63.7(c)(2)(i). The performance testing must be conducted under a test plan approved by the EPA and IDEM.

21. Within 60 days of completing the performance testing above, ART must submit a final complete test report to EPA and IDEM and include the information required by 40 CFR § 63.7(g).

22. ART must submit all materials required by this Order to:

Attn: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch

Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3511

Michael R. Berman (C-14J)  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3511

23. ART must keep records of all reports submitted to EPA and all documents supporting those reports for at least three years after the termination of this Order unless a longer time is required by permit or regulation.

#### **General Provisions**

24. This Order does not affect ART's responsibility to comply with other federal, state and local laws.

25. This Order does not restrict EPA's authority to enforce Section 113 or 114 of the Act, or any other section of the Act.

26. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the Act, 42 U.S.C. § 7413, for ART's violation of the NESHAP for Secondary Aluminum Production, 40 CFR Part 63, Subpart RRR.

27. Failure to comply with this Order may subject ART to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413 and 40 C.F.R. Part 19.

28. The terms of this Order are binding on ART, its assignees and successors. ART must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

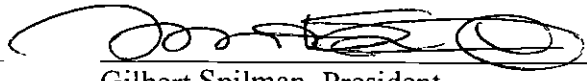
29. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

30. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

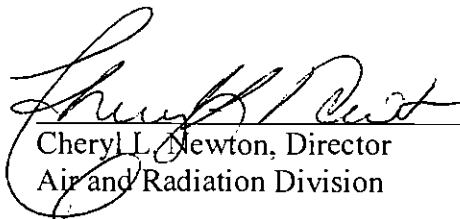
31. ART agrees to the terms of this Order.

32. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate on November 1, 2011, provided that ART has complied with all terms of the Order throughout its duration.

8/17/2011  
Date

  
Gilbert Spilman, President  
Aluminum Recovery Technologies, Inc.

8/23/11  
Date

  
Cheryl L. Newton, Director  
Air and Radiation Division

## CERTIFICATE OF MAILING


I, Betty Williams, certify that I sent the executed Administrative Consent Order,  
EPA Order No. EPA-5-11-113(a)-IN-03, by Certified Mail, Return Receipt Requested, to:

Gilbert Spilman, President  
Aluminum Recovery Technologies, Inc.  
2170 Production Road  
Kendallville, IN 46755

I also certify that I sent a copy of the executed Administrative Consent Order, EPA Order  
No. EPA-5-11-113(a)-IN-03, by First Class Mail to:

Phil Perry, Chief  
Air Compliance and Enforcement Branch  
Indiana Department of Environmental Management  
100 N. Senate Ave.  
Mail Code 61-53 IGCN 1003  
Indianapolis, IN 46204-2251

On the 24<sup>th</sup> day of August 2011.

  
Betty Williams,  
Administrative Program Assistant,  
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 70091680000076727693